Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

2 June 2014

Original: English

2014 Meeting
Geneva, 1-5 December 2014

Meeting of Experts
Geneva, 4-8 August 2014
Item 8 of the provisional agenda
Biennial item: how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties

International organization that may be involved in the provision of and coordination of assistance relevant to Article VII

Submitted by the Implementation Support Unit

Summary

The Seventh Review Conference decided that in 2014 and 2015 States Parties will consider how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties. At the request of the Chairman, the Implementation Support Unit has updated past background information papers on capacities in international organizations which might be relevant.

Introduction

1. If a State Party requests assistance under Article VII, several different international organizations might be involved in either assisting in, or coordinating, response efforts.

2. This background paper focuses on international organizations with an operational response capacity. It compiles information provided for this paper by international organizations with capacity that might be relevant to Article VII. Additional information from other international organizations is still pending and will be included in addenda to this document. In cases where an organization has yet to respond to requests for information from the ISU, the Unit has used information from their websites to update data previously made available to States Parties.

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3. This background paper updates information provided in background papers prepared for meetings in 2004[1] and 2010.[2]

Food and Agricultural Organization of the United Nations (FAO)

***FAO*–OIE–WHO Global *Early Warning* System (GLEWS)[3]**

4. WS is a joint system that adds value by combining and coordinating the alert and disease intelligence mechanisms of OIE, FAO and WHO. It assists in prediction, prevention and control of animal disease threats, including zoonoses, through sharing of information, epidemiological analysis and joint risk assessment.

5. WS builds on the alert mechanisms of the different organizations, enhancing early warning capacity. Improved sharing of information on disease alerts helps to avoid duplication of effort. It also helps to combine and coordinate the processes used to confirm the nature of an outbreak. For zoonotic events, animal outbreaks can provide early warning of an impending human outbreak and enable preventive action to be taken. Similarly, there may be cases where human surveillance is more sensitive and provides indicators of an animal outbreak to follow.

FAO- plant pests and plant diseases[4]

6. FAO helps track and prevent plant pests and diseases, including through:

- the FAO Emergency Prevention System (EMPRES) Plant Protection branch – which monitors and serves as an early-warning system for plant pests and plant diseases; and5
- the FAO Food Chain Crisis- Emergency Management Unit (FCC-EMU) Plant Protection - which provides rapid response capabilities.6

FAO- transboundary animal diseases[7]

7. The FAO maintains three programs on animal diseases:

- the FAO Emergency Prevention System (EMPRES) Animal Health branch - which monitors and serves as an early-warning system for animal diseases.[8]
- the Emergency Centre for Transboundary Animal Diseases (ECTAD) - which organizes the delivery of veterinary assistance to FAO member countries grappling with transboundary animal disease crises; and[9]

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[1] BWC/MSP/2004/MX/INF.1 and BWC/MSP/2004/MX/INF.2.

[2] BWC/MSP/2010/MX/INF.2.

[3] Based upon information found by the ISU at: http://www.glews.net.

[4] upon information found by the ISU at: http://www.fao.org/emergencies/emergency-types/plant-pests-and-diseases/en/.

[5] Based upon information found by the ISU at: http://www.fao.org/foodchain/empres-prevention-and-early-warning/en/.

[6] Based upon information found by the ISU at: http://www.fao.org/foodchain/fcc-response/en/.

[7] Based upon information found by the ISU at: http://www.fao.org/emergencies/emergency-types/transboundary-animal-diseases/en/.

[8] Based upon information found by the ISU at: http://www.fao.org/foodchain/empres-prevention-and-early-warning/en/.

[9] Based upon information found by the ISU at: http://www.fao.org/ag/againfo/programmes/en/empres/ah1n1/Ectad.html.

- the ECTAD "operational arm", Crisis Management Centre- Animal Health – which is a FAO rapid response unit, and operates in partnership with OIE and WHO, amongst others.[10]

International Committee of the Red Cross (ICRC)[11]

8. Responding to chemical, biological, radiological, and nuclear (CBRN) events in armed conflicts and other situations of violence is within the mandate of the ICRC and an obligation deriving from its duty of care. The response is still under development, and refers to the management of risks from CBRN events, which may comprise prevention, preparation and reaction. It also includes making representations to authorities and communication regarding the international legal obligations of one or more parties to a conflict. In addition, the ICRC response to CBRN events will take into account policies, capacities and perceptions of governments, authorities (civil and military) and civil society as well as of international organizations and the other components of the Movement.

9. The three key objectives of any response by the ICRC to a CBRN event are, in order of priority, to:

(a) minimize risks to the health, safety and security of persons to whom the ICRC has a duty of care;

(b) ensure the integrity of the organization and continuation of its activities;

(c) provide assistance to affected people, as possible.

10. It is important to note that CBRN operational response within ICRC is recent and still developing, currently only the first of three objectives is achieved, while the second is developing, and the third planed.

Organisation for the Prohibition of Chemical Weapons (OPCW)

Investigation of alleged use

11. In accordance with the Chemical Weapons Convention, the OPCW would be involved in investigations of alleged use of chemical weapons or of riot control agents used as a method of warfare. These investigations are initiated pursuant to Articles IX on Consultations, Cooperation and Fact-Finding or Article X on Assistance and Protection against Chemical Weapons of the Chemical Weapons Convention.

12. The OPCW inspection team would be dispatched at the earliest opportunity after the receipt of a request for an investigation of alleged use. In accordance with the Convention, the inspection team would have the right of access to any and all areas which could be affected by the alleged use of chemical weapons, including hospitals, refugee camps and other locations, as well as the right to collect samples, including toxic chemicals, munitions and devices, remnants of munitions and devices, environmental samples (such as air, soil, vegetation, water, snow, etc.) and biomedical samples from human or animal sources (such as blood, urine, tissue etc.). The situation reports from the team would indicate any urgent need for assistance and any other relevant information for the Director-General.

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[10] Based upon information found by the ISU at: http://www.fao.org/emergencies/how-we-work/prepare-and-respond/cmc-animal-health/en/.
Based upon information found by the Implementation Support Unit at:
http://www.fao.org/ag/againfo/programmes/en/empres/ah1n1/Ectad.html

[11] Information provided by the International Committee of the Red Cross.

13. The final report to the DG would summarize the factual findings of the inspection, particularly with regard to the alleged use cited in the request. In addition, a report of an investigation of an alleged use will include a description of the investigation process

Assistance and coordination – deployment phase

14. The Assistance and Protection Branch (APB) develops and maintains a state of readiness for the OPCW to respond timely, effectively and adequately to requests for assistance under Article X of the Chemical Weapons Convention by:

(a) Mobilizing international mechanisms and coordinating international response to requests for assistance;

(b) Building capacity in the OPCW to manage assistance from the international community and;

(c) Coordinating and delivering assistance to the requesting State Party.

Assistance Assessment

15. The main objective of an APB assessment team is to conduct an on-site survey of the assistance needs of the Requesting State Party and to collect information on the assistance activities already initiated at the local and national level as well as appeals for assistance launched to United Nations organizations and agencies, other IOs and NGOs. Furthermore the team will seek to acquire information on the national emergency mechanisms, structures and tools to mitigate the consequences of the alleged use of CW as well as details regarding international assistance teams, United Nations organizations and agencies, other IOs and NGOs already operating in the country

Assistance Coordination

16. The APB team will also have the expertise to support any national or local Emergency Management Authority in the coordination and management of an assistance operation and in the on-site coordination process of the international assistance assets. This may entail assisting the Emergency Management Authority in the establishment of co-ordination platforms like a Reception Centre or an On-site Operations Coordination Centre (OSOCC) if such emergency management structures are not already in place.

Assistance and coordination – Ongoing activities

17. The responsibilities of the branch include:

(a) evaluation of the constraints of an international mechanism for the provision of assistance in the case of use or threat of use of chemical weapons, and advising States Parties and the Organization;

(b) maintenance of the annual work plan for the implementation of activities relating to assistance and protection;

(c) maintenance and monitoring of the capacity within the OPCW to manage a call for assistance;

(d) conduct of capacity building projects with the aim to increase effectiveness of emergency response to incidents involving chemical weapons or the misuse of toxic industrial chemicals;

(e) conduct of capacity building projects to ensure that the States Parties have adequate capacity to respond to a request for assistance from the Organisation;

(f) establishment, verification and maintenance of standard operating procedures enabling the Organisation to respond in a timely and effective to a request for assistance;

(g) organization of OPCW delivery of assistance exercises; and

(h) cooperation with other relevant international organizations such as United Nations Office for the Coordination of Humanitarian Affairs, the Biological Weapons Convention Implementation Support Unit, the World Health Organization, the International Committee of the Red Cross, the United Nations Environment Programme, the United Nations High Commissioner for Refugees, etc., to ensure coherence of any joint plans for assistance.

World Organisation for Animal Health (OIE)[12]

18. The OIE has the mandate to improve animal health worldwide and plays a key role at the intergovernmental level in mitigating risks from animal diseases. OIE is the intergovernmental body that has the responsibility for transparency of the global animal disease situation and for setting the International Standards for detection and control of important animal diseases, including zoonoses.

19. If correctly implemented, OIE guidelines and recommendations can do a lot to increase the ability of OIE Member Countries and the international community to protect themselves against the threat of a bioterrorist incident. However, such protection depends on the diligence with which Member Countries follow the existing guidelines and recommendations. To mitigate the risk and impact from natural, accidental or deliberate introduction of animal diseases the capacity to implement existing methods of prevention, early disease detection, rapid response, and containment needs to be extended at national and international levels.

20. OIE and its partners are committed to strengthening cooperation at the international, regional, and national levels in terms of the 'one health' initiative. The mechanisms for detecting and responding to outbreaks of disease in animals are the same whether the origin of the outbreak is a natural event, an accidental release or a deliberate release. The threat from animal diseases being used as bioweapons is best mitigated by strengthening existing mechanisms for animal disease detection and control. OIE promotes the strengthening of veterinary services worldwide so that Members are better able to comply with the existing international standards, have effective resources and legislation, and that they are governed properly. The OIE shares a common interest with its international partners in reducing biological threats from animal diseases, including zoonoses.

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[12] Information provided by International Committee of the Red Cross.

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Previous agreements and understandings under the Convention relevant to strengthening the implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties.

Submitted by the Implementation Support Unit

Summary

The Seventh Review Conference decided that in 2014 and 2015 States Parties will consider how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties. At the request of the Chairman, the Implementation Support Unit has compiled extracts of additional agreements from the Final Documents of past review conferences and common understandings from the Reports of previous Meetings of States Parties that might be relevant to strengthening implementation of Article VII.

INTRODUCTION

1. Article VII of the Convention determines that "Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention". This

background information paper details the relevant additional agreements and common understandings identified by States Parties.

2. There are additional agreements and common understandings that address the implementation of Article VII, building relevant capacity, roles, and the relationship between health and security issues.

3. The additional agreements were reached at successive review conferences and are quoted from the relevant Final Documents:

(a) Final Document of the First Review Conference (BWC/CONF.I/10)

(b) Final Document of the Second Review Conference (BWC/CONF.II/13)

(c) Final Document of the Third Review Conference (BWC/CONF.III/23)

(d) Final Document of the Fourth Review Conference (BWC/CONF.IV/9)

(e) Final Document of the Fifth Review Conference (BWC/CONF.V/17)

(f) Final Document of the Sixth Review Conference (BWC/CONF.VI/6)

(g) Final Document of the Seventh Review Conference (BWC/CONF.VII/7)

4. The common understandings were reached at the Meetings of States Parties and are quoted from the relevant Reports:

(a) Report of the 2004 Meeting of States Parties (BWC/MSP/2004/3)

(b) Report of the 2010 Meeting of States Parties (BWC/MSP/2010/6)

5. The source of each additional agreement is shown by a reference key in square brackets, in the form [C.A.P], where C is the number of the Review Conference (I,II, III, IV, VI, VII), A is the article of the Convention (I-XV), and P is the paragraph number. For example [VI.VII.35] refers to paragraph 35 of the Article VII section of the Final Declaration of the Sixth Review Conference. Common understandings are referenced individually.

ADDITIONAL AGREEMENTS

Implementation of Article VII

6. At the Third, Fourth, Sixth and Seventh Review Conferences, States Parties "took note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested". [VII.VII.33, VI.VII.33, IV.VII.3, III.VII.3]

7. The Sixth and Seventh Review Conferences noted "the willingness of States Parties, where appropriate, to provide or support assistance to any State Party which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone other than a State Party." [VII.VII.35, VI.VII.38]

8. At the Seventh Review Conference, States Parties underlined "the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention". [VII.VII.37]

Roles

9. The Third and Fourth Review Conferences considered that "in the event that this article might be invoked, the United Nations, with the help of appropriate intergovernmental organizations such as the World Health Organization (WHO), could play a coordinating role". [IV.VII.5, III.VII.4] The Sixth and Seventh Review Conferences considered that States Parties could also assist, as could other appropriate intergovernmental organizations, such as the World Organisation for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC). [VII.VII.36, VI.VII.34]

10. At the Sixth Review Conference, States Parties noted "that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons". [VI.VII.35]

11. The Seventh Review Conference recognised:

(a) that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons" [VII.VII.34]; and

(b) "the value of further dialogue regarding appropriate means of coordination between States Parties and relevant international organizations." [VII.VII.36]

12. States Parties also noted at the Seventh Review Conference "the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties". States Parties also noted that "the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention". [VII.VII.39]

Health and security issues

13. "On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons," at the Seventh Review Conference States Parties:

(a) recognized "that in this regard health and security issues are interrelated at both the national and international levels";

(b) highlighted "the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships";

(c) noted "the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment"; and

(d) recognised "that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required". [VII.VII.40]

COMMON UNDERSTANDINGS

Implementation of Article VII

14. At the 2010 Meeting of States Parties, it was recognized that "developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon is a complex task", and that the following challenges existed:

(a) "the need for clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons;

(b) the need for additional resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries;

(c) the potentially complex and sensitive interface between an international public health response and international security issues; and

(d) the public health and humanitarian imperatives of a prompt and timely response."[1]

15. In 2010 "States Parties underlined the importance of assistance being provided promptly, upon request, to any State Party that has been exposed to a danger as a result of violation of the Convention. As national preparedness contributes to international capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances".[2]

Building relevant capacity

16. In 2004 States Parties further "agreed on the value of [...] continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organisations, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same".[3]

17. In 2010, States Parties noted "that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon". Taking into account their commitments under Articles VII and X, in 2010 States Parties "emphasized the value of assisting other States Parties, including by:

(a) enhancing relevant capabilities, including through promoting and facilitating the generation, transfer, and acquisition upon agreed terms, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;

(b) strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;

[1] BWC/MSP/2010/6, paragraph 20.
[2] BWC/MSP/2010/6, paragraph 22.
[3] BWC/MSP/2004/3, paragraph 21.

(c) sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins".[4]

18. In 2010 States Parties recognized "the need to work, in accordance with their respective circumstances, national laws and regulations, to improve their own capacities in this area, and cooperating, upon request, to build the capacity of other States Parties. This could include the development of:

(a) diagnostic capacity for relevant diseases;

(b) tools for sampling, epidemiological intelligence and investigation;

(c) diagnostic and detection techniques, tools and equipment;

(d) adequate technical expertise;

(e) international, regional and national laboratory networks;

(f) relevant standards, standard operating procedures and best practices;

(g) effective information-sharing; and

(h) cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between international reference laboratories and research institutions".[5]

Roles

19. In 2004, States Parties "recognized that:

(a) infectious disease outbreaks can be contained and suppressed through early-detection, immediate response and co-operation and support at the national and international level;

(b) strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention;

(c) the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with States Parties, while the WHO, FAO and OIE have global responsibilities, within their mandates, in this regard. The respective structures, planning and activities of States Parties and the WHO, FAO and OIE should be co-ordinated with and complement one another;

(d) scientific and technological developments have the potential to significantly improve disease surveillance and response".

20. The States Parties consequently agreed on the value of:

(a) supporting the existing networks of relevant international organisations for the surveillance, detection, diagnosis and combating of infectious diseases and acting to strengthen the WHO, FAO and OIE programmes, within their mandates, for the continued development and strengthening of, and research into, rapid, effective and reliable activities for the surveillance, detection, diagnosis and combating of infectious diseases, including in cases of emergencies of international concern;

[4] BWC/MSP/2010/6, paragraph 21.
[5] BWC/MSP/2010/6, paragraph 23.

(b) improving, wherever possible, national and regional disease surveillance capabilities, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same;

(c) working to improve communication on disease surveillance, including with the WHO, FAO and OIE, and among States Parties.[6]

21. On the role to be played by the Convention in the provision of assistance and coordination with relevant organizations, affirming the consultation procedures agreed at previous Review Conferences, in 2010 States Parties also noted that "the Convention is an appropriate and capable instrument for:

(a) bilateral, regional or multilateral consultations for the provision of prompt and timely assistance, prior to an allegation of use being presented to the Security Council;

(b) developing clearer and more detailed procedures for submitting requests for assistance, and for promptly providing assistance following an allegation of use; and

(c) developing a comprehensive range of information on sources of assistance, and/or a mechanism to request assistance".[7]

22. The 2010 Meeting of States Parties "noted the role played by relevant international organisations, in close cooperation and coordination with the States Parties under the provisions of the Convention, in the provision of assistance and coordination, including, inter alia, the United Nations, the World Health Organization, the Food and Agriculture Organization, the World Organization for Animal Health, the World Customs Organization, and the International Criminal Police Organization. States Parties noted the value of encouraging these organizations to work together more closely, strictly within their respective mandates, to address specific relevant aspects of the threats posed by the use of biological and toxin weapons, and to assist States Parties to build their national capacities".[8]

Health and security issues

23. The 2004 Meeting of States Parties "recognized that:

(a) capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention;

(b) States Parties' national preparedness and arrangements substantially contribute to international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;

(c) the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons".[9]

24. In 2010, States Parties noted that, "given the importance of investigating, and mitigating the potential impact of, an alleged use of biological or toxin weapons, States Parties noted the value of, in accordance with national laws and regulations: a coordinated government approach in emergency management; addressing the full range of possible

[6] BWC/MSP/2004/3, Paragraph 18-19.
[7] BWC/MSP/2010/6, Paragraph 26.
[8] BWC/MSP/2010/6, Paragraph 28.
[9] BWC/MSP/2004/3, Paragraph 20.

implications; establishing clear channels of communication and command; accessing expert advice; training and exercises; adopting a communication strategy; as well as enabling coordination across sectors through the provision of sufficient financing".[10]

25. States Parties also noted in 2010 that "an effective response requires efficient coordination among relevant actors, in particular ensuring a coordinated response from the law enforcement and health sectors. States Parties agreed on the value of working, in accordance with their national laws and regulations, to improve effective cooperation between these sectors, including by fostering mutual awareness, understanding, and improved information exchange, and by undertaking joint training activities".[11]

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[10] BWC/MSP/2010/6, paragraph 24.
[11] BWC/MSP/2010/6, paragraph 25.